

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

DEBORAH J. GRIMM,

Plaintiff,

v.

P&S TRANSPORTATION, LLC, *et al.*

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§

Case No.:

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendants P&S Transportation, LLC (“P&S”) and Dale E. Thompson (“Thompson”) (collectively “Defendants”) hereby give notice of the removal of this cause of action to the United States District Court for the Western District of Missouri. As grounds for removal, Defendants state as follows:

**PROCEDURAL STATUS OF THE CASE**

1. On or about March 9, 2020, plaintiff Deborah J. Grimm, (“Plaintiff”) commenced this action by filling a Petition in the Circuit Court of Jackson County, Missouri. The suit is numbered 2016-CV08589.
2. The Circuit Court of Jackson County, Missouri issued its Summons on March 11, 2020.
3. P&S was served by process server with the Summons and Petition on March 17, 2020.
4. Thompson was served by process server with the Summons and Petition on March 20, 2020.

5. This Notice of Removal is being filed in the record office of the Clerk of the United States District Court for the Western District of Missouri.

**BASIS FOR DIVERSITY JURISDICTION**

6. Plaintiff is a resident of the State of Missouri. P&S is an Alabama limited liability company with its principle place of business in Ensley, Alabama. Woodward is a resident and citizen of the State of Texas. (*See* Petition attached hereto as Exhibit A, Petition, ¶ 1.) Complete diversity of citizenship exists between Plaintiff and Defendants.

7. Plaintiff's Petition reasonably can be read as seeking damages in excess of \$75,000. This is a personal injury action in which Plaintiff alleges permanent and progressive injuries to her neck, back, head, knees, arms, and shoulders. (Petition, ¶ 11). In addition, Plaintiff claims that she has sought treatment for these injuries since the accident occurred in 2015 and that she will continue to seek medical treatment in the future. (Petition, ¶¶ 12-15). Plaintiff further seeks damages for bodily pain, limited mobility, humiliation, mental anguish, and loss of natural sleep and rest (Petition, ¶ 16).

8. The claimed injuries and damages, which have allegedly been permanent and progressive for almost five years, make it plausible that the amount in controversy exceeds \$75,000, and therefore, removal is proper. *See, Mallory v. AT&T*, No. 4:19 CV 00900 DGK, 2020 WL 479263 at \*1 (W.D. Mo. Jan 29, 2020) *citing Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014).

9. Pursuant to the provision of 28 U.S.C. § 1446(a), the United States District Court for the Western District of Missouri is the federal district court for the district embracing the place where the state court suit is pending.

10. This Court has original jurisdiction of this matter on the basis of diversity, and removal to this Court is proper. 28 U.S.C. § 1332.

### **PROPREITY OF REMOVAL**

11. This Notice of Removal is timely because it is filed within thirty (30) days of the Defendants' receipt of the Petition in accordance with 28 U.S.C. § 1446(b).

12. This Court has original jurisdiction of this matter under 28 U.S.C. § 1332(a).

13. This matter is properly removable under 28 U.S.C. § 1441.

14. Removal of this matter is not barred by 28 U.S.C. § 1445.

15. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached hereto as Exhibit A copies of all process, pleadings, and orders served upon Defendants in this matter.

16. Pursuant to 28 U.S.C. § 1446(a) and (d), Defendants will file a copy of this Notice of Removal with the Circuit Court of Jackson County, Missouri; will provide prompt notice to all adverse parties; and will file proof of service of all notices and filings with the Clerk of the United States District Court for the Western District of Missouri.

### **REQUEST FOR HEARING & JURISDICTIONAL DISCOVERY**

17. If Plaintiff contests this removal, Defendants request:

- a. a hearing regarding this Court's jurisdiction over, and the propriety of removal of, this matter;
- b. the opportunity to present evidence demonstrating the existence of diversity jurisdiction and the propriety of removal; and
- c. leave to conduct limited discovery related to those issues.

**WHEREFORE**, Defendants P&S Transportation, LLC and Dale E. Thompson remove the above-captioned action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri.

Respectfully submitted,

DYSART TAYLOR COTTER  
McMONIGLE & MONTEMORE, P.C.

By /s/ Michael J. Judy

Michael J. Judy MO #58691

Benjamin J. Stringer MO #71195

4420 Madison Avenue, Suite 200

Kansas City, MO 64111

(816) 931-2700

(816) 931-7377 – FAX

*mjudy@dysarttaylor.law*

*bstringer@dysarttaylor.law*

ATTORNEYS FOR DEFENDANTS  
P&S TRANSPORTATION, LLC AND  
DALE E. THOMPSON

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2020, a true copy of the foregoing document was filed via the Court's electronic filing system, which will transmit notice of said filing via electronic mail to counsel of record as follows:

Donald W. Petty  
Julie R. Cooper  
Law Office of Donald Petty  
14 South Main Street  
Liberty, MO 64068  
don.petty.law@gmail.com  
julie.cooper.law@gmail.com

Timothy H. Bosler  
Timothy H. Bosler, Jr.  
Bosler Law Firm, PC  
14 South Main Street  
Liberty, MO 64068  
bosler@greenhills.net

**ATTORNEYS FOR PLAINTIFF**

/s/ Michael J. Judy

Attorney for Defendants